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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

AWS MANAGEMENT, LLC, by and  
 through MARY CHANDLER PETTY, a  
 Partner Other than the Tax Matters  
 Partner,

Plaintiff,

v.

UNITED STATES OF AMERICA, by and  
 through its Agent, the INTERNAL  
 REVENUE SERVICE,

Defendant.

) Case No. 05-1056 CW

) Consolidated with Case No. 05-1058 CW

) JOINT MOTION TO CONTINUE CASE  
 MANAGEMENT CONFERENCE

1 \_\_\_\_\_ )  
 2 AWS ACQUISITIONS, LLC, by and )  
 3 through MARY CHANDLER PETTY, a )  
 Partner Other than the Tax Matters )  
 Partner, )

4 Plaintiff, )

5 v. )

6 UNITED STATES OF AMERICA, by and )  
 7 through its Agent, the INTERNAL )  
 REVENUE SERVICE, )

8 Defendant. )  
 9 \_\_\_\_\_ )

10 A Case Management Conference is scheduled for December 18, 2007, in the  
 11 above captioned consolidated cases pursuant to the Court's order of September 28,  
 12 2007 [Doc 34]. That order followed the parties prior joint motion to continue a  
 13 previously scheduled case management conference on the grounds that a settlement  
 14 offer by Plaintiffs was being considered by the Department of Justice and the Internal  
 15 Revenue Service.

16 Another factor supporting a continuance of the Case Management Conference is  
 17 the Court's order filed March 29, 2006, which had stayed this case pending resolution of  
 18 the criminal proceedings in *United States v. Stein, et. al.* (No. S1 05 Cr 888, S.D.N.Y.).  
 19 See Order [Doc. #22]. Those proceedings are continuing. This November, 2007, trial  
 20 date was vacated by Judge Kaplan. A Superseding Indictment was filed on November  
 21 8, 2007, charging David Greenberg alone with conspiracy and substantive counts of tax  
 22 evasion. The United States Attorneys Office has requested that Greenberg be severed  
 23 from the main case and that trial commence against him as soon as possible. A motion  
 24 schedule has been set with respect to the Greenberg Indictment and it is expected that  
 25 in January the Court will decide whether to sever Greenberg and when to schedule his  
 26 trial. Also in January, it is expected that the Court will schedule trial for defendants  
 27 Larson, Pfaff and Ruble. That trial date will incorporate a trial against Greenberg in the  
 28 event the court decides not to sever his case for an earlier scheduled date.

1 By letter dated August 2, 2006, plaintiffs submitted an offer to settle all issues in  
2 this case. The offer is being considered by the Department of Justice in accordance  
3 with its usual procedures and in coordination with the Internal Revenue Service. The  
4 plaintiffs have provided the Internal Revenue Service additional information regarding  
5 the underlying tax liabilities but must file returns due for taxable years 2004 and 2005  
6 before consideration of the settlement offer can be completed.

7 In light of the continued pendency of Stein and plaintiffs' pending settlement  
8 offer, the parties jointly move the Court for a continuance of the case management  
9 conference until April, 2008.

10  
11 Respectfully Submitted,

12 FOR THE PLAINTIFFS

13 GODDARD LLP  
14 Bradley A. Patterson, Esq.

15 Date: November 29, 2007

16 By s/Bradley A. Patterson  
17 Bradley A. Patterson  
18 Attorney for Plaintiffs  
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## Joint Motion to Continue Case Management Conference